

Service Date: October 28, 1997

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER of Garbage, Inc. ,)	
Havre, Montana, Application)	DOCKET T-97.69.PCN
for a Montana Intrastate Certificate)	
of Public Convenience and Necessity.)	ORDER NO. 6440

FINAL ORDER

BACKGROUND

FOR THE APPLICANT:

Bruce E. Swenson, Barron & Swenson, PLLC, Attorneys at Law, 311 Third Street, P.O. Box 2328, Havre, Montana 59501.

FOR THE PROTESTANT:

Stuart C. MacKenzie, Burns, Solem & MacKenzie, Attorneys at Law, 411 Ohio Street, P.O. Box 248, Chinook, Montana 59523, representing Chinook Area Landfill, Inc.

FOR THE COMMISSION:

Denise Peterson, Staff Attorney, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

BEFORE:

DANNY OBERG, Commissioner and Hearings Examiner.

INTRODUCTION

1. On June 6, 1997 the Montana Public Service Commission (Commission or PSC) received an application from Garbage, Inc., Havre, Montana for a Class D Intrastate Certificate of

Public Convenience and Necessity, for garbage-hauling authority to provide drop boxes for specific demolition and/or construction projects in Hill County, Northern Chouteau County, and Blaine County, except Harlem and the Fort Belknap Reservation. Garbage, Inc. submitted a revision to the application on June 25, 1997, more specifically describing the proposed service territory. Garbage, Inc. presently holds PSC Certificate No. 4383, under which it provides garbage service generally in the Havre vicinity as described in the certificate.

2. The Commission published notice of the application. On July 21, 1997 the Commission received a protest from the Chinook Area Landfill, Inc., which serves the City of Chinook and ten miles from the city limits under PSC NO. 1341.

3. Hearing examiner Danny Oberg, Commissioner for PSC District No. 1, conducted a duly noticed public hearing on the application of Garbage, Inc., Havre, Montana, beginning at 9:00 a.m. on Wednesday, September 24, 1997, in the North Central Senior Citizens Center, #2 West 2nd Street, Havre, Montana. After the applicant and protestant presented testimony, the hearing examiner recessed the hearing for an off-the-record discussion between the parties. After the recess, the parties presented a stipulation on the record and agreed to submit a written stipulation to the Commission for approval. Parties stipulated to a final order incorporating the Stipulation.

4. On October 20, 1997 the Commission received a fully executed Stipulation between Garbage, Inc. and Chinook Area Landfill, Inc. agreeing to specified limitations on the Certificate of Public Convenience and Necessity, as may be amended by the Commission.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission supervises and regulates motor carriage, including garbage-hauling Class D authority, pursuant to Title 69, Chapter 12, Montana Code Annotated (MCA).

2. The Commission properly noticed the application and scheduled and conducted a public hearing pursuant to the requirements of §§ 69-12-314, 69-12-321 and -322, MCA and the Montana Administrative Procedure Act, Title 2, Chapter 4, MCA.

ORDER

WHEREFORE, the Commission, being fully apprised of all premises, HEREBY ORDERS that the Application for Intrastate Certificate of Public Convenience and Necessity filed by **Garbage, Inc.**, Havre, Montana, be granted as stipulated by the Applicant and Protestant and amended by the Commission.

Class D - Garbage, limited to materials from demolition or construction projects, between all points and places in Blaine, Choteau, and Hill counties.

Limitations: (1) Transportation within the city limits of Harlem and the area within the Fort Belknap Indian Reservation is prohibited. (2) In Choteau County, service is limited to Northeastern Chouteau County, specifically described as that portion of Chouteau County located north of the Missouri River, east of a line starting at Virgelle and following the westerly road between Virgelle and U.S. Highway 87, then following U.S. Highway 87 north to Montana Highway 432, then following Montana Highway 432 west and north until it intersects with the Hill County boundary. (3) Transportation of normal household waste is prohibited. (4) Use of waste disposal containers or drop boxes of less than 13 cubic yards is prohibited. (5) Transportation is limited to waste materials from the specific demolition or construction project site(s) for which the waste disposal container is provided. (6) Carrier is allowed to transport authorized commodities to certified landfills from territory authorized.

Applicant shall comply with the requirements and rules of the Commission.

Done and dated this 27th day of October, 1997, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chairman

NANCY MCCAFFREE, Vice Chair

BOB ANDERSON, Commissioner

DANNY OBERG, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Final Order issued in Docket T-97.69.PCN in the matter of Garbage, Inc., Havre, Montana has today been sent to all parties listed.

MAILING DATE: October 28, 1997

FOR THE COMMISSION

FIRST CLASS MAIL

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Chinook Area Landfill, Inc.

AS ITS INTERESTS MAY APPEAR:

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